

BEFORE THE  
PHYSICIAN ASSISTANT COMMITTEE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues )  
Against: )

TIMOTHY ALAN FREEMAN, P.A. )

Case No: 1E-2001-124541

Physician Assisant No. PA-10991 )

OAH No: L2003030534

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Respondent. )

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on September 2, 2003

ORDERED July 31, 2003

PHYSICIAN ASSISTANT COMMITTEE

  
Robert Sachs, P.A., Chairman

BEFORE THE  
PHYSICIAN ASSISTANT COMMITTEE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

TIMOTHY ALAN FREEMAN,

Respondent.

Case No. 1E-2001-124541

OAH No. L2003030534

**PROPOSED DECISION**

Administrative Law Judge Timothy S. Thomas, Office of Administrative Hearings, heard this matter in Los Angeles, California on June 17, 2003.

Taylor Schneider, Deputy Attorney General, represented complainant, the Executive Officer of the Physician Assistant Committee (hereinafter the committee).

Timothy Alan Freeman (hereinafter respondent) represented himself at the outset of the hearing. However, respondent continually interrupted the proceedings with objections, *inter alia*, to the authority of the Administrative Law Judge to conduct the hearing. Following numerous attempts to gain respondent's cooperation, and following several warnings, officers of the California Highway Patrol escorted respondent from the hearing room, and the hearing proceeded in his absence.

Complainant requested that the Administrative Law Judge take judicial notice of various letters, pleadings and other materials filed by respondent with the Office of Administrative Hearings on unspecified dates prior to the date of the hearing.<sup>1</sup> The request was taken under submission. As there is no indication that respondent received advance notice that the materials would be offered as evidence on the substantive issues before the Administrative Law Judge, and further in that the documents would be cumulative of others submitted by respondent on the day of the hearing, the request is denied.

The matter was submitted on June 17, 2003.

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<sup>1</sup> It is noted that the materials referenced have been maintained in a file separate from the hearing file consulted by the undersigned, who has not reviewed said materials.

## FACTUAL FINDINGS

1. Complainant Richard L. Wallinder, Executive Officer of the committee, filed the Accusation in his official capacity.

2. The committee issued physician assistant license number PA-10991 to respondent on July 29, 1981. Respondent is not currently employed as a physician's assistant. His professional activities for the past 24 years are otherwise not known.

3. On June 28, 2001 an Orange County jury found respondent guilty of both counts of a two-count complaint that was filed by the District Attorney on August 9, 2000. Count 1, a felony, charged respondent with violating Penal Code section 597(a), the malicious and intentional maiming, mutilation or torture of an animal. Count 2, a misdemeanor, charged respondent with interfering with a police officer's investigation. The convictions are substantially related to the qualifications, functions or duties of the licensed profession, and constitute unprofessional conduct.

4. The facts leading to the charges and convictions are as follows. On August 7, 2000 neighbors witnessed respondent beating his cat. The neighbors saw respondent, as they had on previous occasions, hold his cat under the water of his pool for 15 to 20 seconds, slap the cat on its head many times, and throw the cat against a masonry wall, all the while screaming and talking to the animal. When Westminster Police officers investigated and tried to find the cat, respondent was loud and uncooperative. Eventually he agreed to allow the officers to accompany him into the house, but instead ran ahead of them into the house and had to be restrained and handcuffed. The officers obtained a search warrant and found a kitten in a cabinet, limp, bleeding and barely conscious.

5. On February 22, 2001 Westminster police officers executed another search warrant obtained when it was reported that respondent was a felon in possession of firearms.<sup>2</sup> Several firearms were located and respondent was arrested. On July 12, 2001, however, the firearm possession charges were dismissed "in the furtherance of justice."

6. On August 3, 2001 respondent was sentenced on the animal cruelty and obstruction of justice convictions. He was placed on three years' formal probation and ordered to serve 120 days in jail. He was further ordered to cooperate with his probation officer in any plan for psychiatric counseling, to not possess any dangerous weapon, to attend and complete an anger management program, to not possess any pets and to have no contact with the witnesses against him. The evidence does not reveal whether or not respondent performed well on probation.

7. Alerted to the conviction, the Medical Board began an investigation of respondent. On May 22, 2002 the committee issued a subpoena that required respondent to appear before

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<sup>2</sup> The evidence in this matter does not include the record of a prior felony conviction.

another person, and who speaks for no other person, entity, individual, group organization," etc.

The remaining pages of respondent's submittal are equally bizarre and unrecognizable as pleadings or documents appropriate to this administrative proceeding.

10. Board-Certified psychiatrist Claude T. H. Friedmann, M.D., testified that he has reviewed writings authored by respondent, as well as the police reports underlying the criminal convictions. It is his opinion that respondent requires a thorough psychiatric examination, including formal psychological testing. Dr. Friedmann believes that respondent is engaging in delusional thinking, and is not safe to practice medicine. Further, his refusal to recognize the authority of any state, governmental or judicial body deprives society of its regulatory function over this licensee, adding to the danger presented.

11. Respondent's behavior at the hearing, combined with the bizarre nature of his writings and filings and the cruelty of the conduct underlying his convictions, all support the conclusion that he is unsafe to practice at this time. Respondent may seek to reinstate his license at the appropriate time if and only if he can demonstrate good mental health and provide evidence of rehabilitation regarding his criminal conduct.

12. The committee has reasonably incurred \$7,064.17 in the costs of investigation and enforcement of this matter.

### LEGAL CONCLUSIONS

1. Cause exists to discipline respondent's license number PA 10991 pursuant to Business and Professions Code section 3527, in that he is guilty of unprofessional conduct, based on Factual Findings 2 through 11.

2. Cause exists to discipline respondent's license number PA 10991 pursuant to Business and Professions Code section 3531, in that he has been convicted of crimes substantially related to the qualifications, functions or duties of the licensed profession, based on Factual Findings 2 through 4.

3. Cause exists to discipline respondent's license number PA 10991 pursuant to Business and Professions Code section 821, in that he failed to comply with an order to be examined by one or more physicians and surgeons designated by the agency, based on Factual Findings 2 through 11.

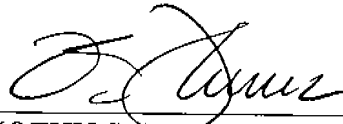
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ORDER

1. Physician's Assistant license number PA 10991 is hereby revoked.
2. Respondent's authority to supervise physician's assistants is hereby revoked.
3. Respondent shall pay to the committee the sum of \$7,064.17 as and for costs associated with the investigation and enforcement of this matter.

DATED: June 18, 2003

A handwritten signature in black ink, appearing to read "T. Thomas", written over a horizontal line.

TIMOTHY S. THOMAS  
Administrative Law Judge  
Office of Administrative Hearings